# UNITED STATES OF AMERICA

# BEFORE THE NATIONAL LABOR RELATIONS BOARD

# **REGION 20**

### **SUBREGION 37**

and TBR PROPERTY, LLC, a SINGLE
EMPLOYER, d/b/a TURTLE BAY RESORTS,
and BENCHMARK HOSPITALITY, INC.

Cases 37-CA-6601-1
37-CA-6642-1
37-CA-669-1
37-CA-6730-1
37-CA-6753-1
37-CA-6756-1
UNITE HERE! LOCAL 5

Cases 37-CA-6601-1
37-CA-668-1

OAKTREE CAPITAL MANAGEMENT, LLC,

37-CA-6816-1 37-CA-6826-1 37-CA-6827-1 37-CA-6835-1 37-CA-6840-1 37-CA-6875-1 37-CA-6878-1

# COUNSEL FOR THE GENERAL COUNSEL'S SECOND REQUEST FOR AN EXTENSION OF TIME TO FILE AN ANSWERING BRIEF TO RESPONDENTS' EXCEPTIONS AND FIRST REQUEST FOR PERMISSION TO EXCEED THE PAGE LIMIT FOR ANSWERING BRIEF TO EXCEPTIONS

Pursuant to Section 102.46(d)(3) of the Board's Rules and Regulations, and for the reasons set forth below, Counsel for the General Counsel respectfully requests a second extension of time to file an answering brief to the Exceptions submitted by Respondents to the decision of Administrative Law Judge Gontram in the above-captioned cases. On September 18, 2006, the Board extended the date for receipt of Answering Brief in Washington, D.C. to December 15, 2006.

Counsel for the General Counsel seeks this additional extension of time to file exceptions not only due to the amount of exceptions filed by Respondent, but also due to time pressures created by other case processing deadlines caused by a decrease in Subregional office staff. Respondents' have filed 349 Exceptions to the ALJ's decision. Respondents' Brief in Support of the Exceptions is 173 pages, excluding attachments. In recent months, the Subregion has experienced a decline in staff due to the transfer of one employee and the extended leave of another, reducing the number of professional employees in the Subregion from six to four. In light of Respondents' numerous Exceptions and extensive Brief in Support of Exceptions, as well as staffing issues which have had an impact on Counsel for General Counsel's case load, Counsel for General Counsel respectfully requests an additional extension of time in which to file an answering brief to Respondents' Exceptions up to and including February 16, 2007.

In addition, Counsel for General Counsel respectfully requests permission to exceed the page limit set forth in Section 102.46(j) of the Board's Rules and Regulations. On August 29, 2006, the Board granted Respondents permission to exceed the page limit for their Brief in Support of Exceptions, not to exceed 175 pages. As noted, Respondents' Brief in Support of Exceptions totaled 173 pages. Counsel for General Counsel respectfully requests permission to submit a Brief in Support of Exceptions not to exceed 175 pages.

Dated at Honolulu, Hawaii, this 4<sup>th</sup> day of December, 2006.

Respectfully submitted,

Meredith A. Burns Counsel for the General Counsel National Labor Relations Board, Region 20, SubRegion 37 300 Ala Moana Blvd. 7-245 Honolulu, Hawaii 96850

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of Counsel for General Counsel's Second Request for an Extension of Time to File an Answering Brief to Respondents' Exceptions and First Request for Permission to Exceed the Page Limit for Answering Brief to Exceptions, has this day been served as described below upon the following persons at their last-known address:

1 copy Daniel T. Berkley, Esq. Via Federal Express

Gordon & Rees LLP

275 Battery Street, Suite 2000 Embarcadero Center West San Francisco, CA 94111

1 copy Jennifer Cynn Via U.S. Mail

In-House Counsel UNITE HERE! Local 5

1050 Queen Street, Suite 100 Honolulu, Hawaii 96814

1 copy Kristin L. Martin, Esq. Via U.S. Mail

Davis, Cowell & Bowe LLP 595 Market Street, Suite 1400 San Francisco, CA 94105

DATED at Honolulu, Hawaii, this 4<sup>th</sup> day of December, 2006.

Meredith A. Burns

Counsel for the General Counsel National Labor Relations Board

Subregion 37

300 Ala Moana Boulevard

Room 7-245 P. O. Box 50208 Honolulu, HI 96850